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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Gerlando Curreri,

Plaintiff,

VS.

Paul Babeu, et al.,

Defendant.

No. CV09-630-PHX-JAT

## ORDER

On April 26, 2011, Plaintiff filed a Motion for Reconsideration of this Court’s March 17, 2011 Order (Doc. 71) adopting the Magistrate Judge’s Report and Recommendation and denying him leave to file a Second Amended Complaint. (Doc. 78.) Generally, motions for reconsideration are appropriate only if: 1) the movant presents newly discovered evidence; 2) the Court committed clear error or the initial decision was manifestly unjust; or 3) an intervening change in controlling law has occurred. *School Dist. No. 1J, Multnomah County, Or. v. AcandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). The Court ordinarily will deny “a motion for reconsideration of an Order absent a showing of manifest error or a showing of new facts or legal authority that could not have been brought to its attention earlier with reasonable diligence.” Local Rule of Civil Procedure 7.2(g)(1).

Plaintiff has not asserted any of the above acceptable bases for reconsidering an order. Plaintiff instead claims that he never received a copy of the Magistrate Judge's Report and Recommendation. But Plaintiff does not allege that the Court did not send him a copy of the

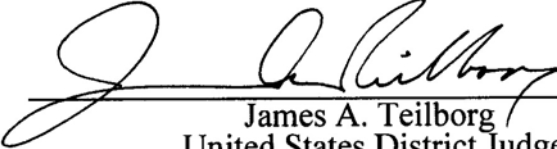
1 R&R, and Plaintiff obviously received a copy of this Court's March 17, 2011 Order and has  
2 received copies of documents in this case.

3 Because Plaintiff has not stated a basis for reconsidering this Court's earlier Order and  
4 has not alleged that the Court failed to send him a copy of the R&R, the Court will deny the  
5 Motion for Reconsideration.

6 Accordingly,

7 **IT IS ORDERED** DENYING Plaintiff's Motion for Reconsideration (Doc. 78).

8 DATED this 19th day of September, 2011.

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12 James A. Teilborg  
13 United States District Judge  
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